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Stipulation to Continue

Case No. 99-5344 AWI ANTHONY P. CAPOZZI, CSBN 068525

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Attorney for Defendant,  
ANTONIO IBARRA-LEMUS

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA, FRESNO

\* \* \* \* \*

UNITED STATES OF AMERICA, ) Case No.: CR-F-99-5344 AWI  
Plaintiff, )  
vs. ) STIPULATION TO CONTINUE  
ANTONIO IBARRA-LEMUS, ) SENTENCING HEARING TO  
Defendant. ) JULY 9, 2007  
)

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IT IS HEREBY STIPULATED between the Defendant, Antonio Ibarra-Lemus, by and through his attorney of record, Anthony P. Capozzi, and Plaintiff, by and through Assistant United States Attorney, Laurel J. Montoya, that the hearing on the Motion for New Trial in this matter now set for Monday, May 21, 2007 be continued to Monday, July 9, 2007 at 9:00 a.m. Said stipulation is based upon the following Declaration of Anthony P. Capozzi.

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**DECLARATION OF ANTHONY P. CAPOZZI**

1. I am an attorney-at-law duly licensed to practice in the State of California and before this Court.
2. I am the attorney who tried this case and am familiar with the facts herein.
- 3.
4. Jose Lira-Ibarra was a co-defendant in the above entitled case who entered a plea of guilty on March 24, 2003 and was sentenced on June 16, 2003.
- 5.
6. Upon the completion of his sentence, Jose Lira-Ibarra was deported to Mexico.
- 7.
8. Jose Lira-Ibarra was recently located in Mexico and interviewed by Private Investigator Robert Gonzales.
- 9.
10. This office received Mr. Lira-Ibarra's statement on May 14, 2007 and is presently amending the Defendant's Motion for New Trial.
- 11.
12. This attorney has advised Laurel Montoya of these facts and she has agreed to continue this matter to July 9, 2007 at 9:00 a.m.
- 13.
14. It is respectfully requested that the Sentencing hearing be continued to July 9, 2007 to allow the Defendant to file an amended Motion for New Trial and allow time for the Government to respond.

I further affirm under penalty of perjury, pursuant to the laws of the United States of America, that the foregoing information is true and correct to the best of my knowledge, as executed on May 16, 2007, in Fresno, California.

Respectfully submitted,

/s/ Anthony P. Capozzi  
Anthony P. Capozzi,  
Attorney for Defendant,  
Antonio Ibarra-Lemus

/s/ Laurel J. Montoya  
Laurel J. Montoya  
Assistant U.S. Attorney

**ORDER**

IT IS SO ORDERED.

Dated: May 18, 2007

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE